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OCCASIONED BY

THE LATE PETITION

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P A R L I A M E N T,

F O R

RELIEF IN THE MATTER OF  
SUBSCRIPTION.

L O N D O N:

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MY LORD

WE have seen the success of the late Petition to Parliament for relief in the matter of Subscription; it was indeed not unexpected, for that application to the Legislature was certainly liable to many and considerable objections.

The principal and most obvious of these was, that it aimed at more than moderate men could approve; that it tended to the abolishing of all Tests, by representing all Subscriptions to be  
B inconsistent

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inconsistent with the fundamental principles of a Protestant Church, as implying an Infallibility in the Compilers of the Forms subscribed to, and consequently destroying the indefeasible right of Private Judgement. Were this representation strictly true, we could not be in too great haste to restore ourselves to liberty, to our natural and undoubted rights, as Men, as Christians, and as Protestants. But this, I apprehend, is by no means the case. Indeed the very notion of an Established Church seems to imply in it a consent of its Members to certain religious opinions, and to the use of a certain mode of worship. It can hardly be conceived on what other terms any religious Society, and still more a Church established by Law, can be formed; and consequently how it can subsist without Subscription, or something equivalent to it, being required from those, who bear office in this society. The terms of a Subscription may be improper, either as to the subject matter subscribed to, or the degree of assent



assent required ; but it will be very hard to prove, that a man's acknowledging a set of propositions offered him to be true either implies his belief of the infallibility of those, who framed such propositions, or his desertion of his own reason : at least I know, that we every day assent to what other men say, without either thinking them infallible, or intending to give up the right of judging for ourselves. All that we mean is, that they then appear to us to be in the right ; when from the infirmity of human judgement it is very possible, that both parties may be mistaken.

A design of such consequence as that, which was intended to produce a great alteration in our Ecclesiastical Establishment, wanted the recommendation of persons, whose station and character would give it weight with the Legislature ; and secure a favourable, at least an attentive, reception to it ; of our Ecclesiastical Governors especially, within whose immediate province the matter in question lay, who on that account had a

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right to be consulted, and whose concurrence in it would have given it great support. The first movers in this design, however laudable their intentions might be, were certainly unequal to the importance of it.

And although all the subjects of our Government, if they find themselves aggrieved, have a right to address themselves to any branch of the Legislature for relief; yet in a case immediately respecting our Church-establishment, the House of Commons was not perhaps the place, from whence such a design could with most propriety take its rise.

These things considered, and especially that general disinclination in political men to religious innovations, arising from the inconveniences and dissensions always likely to result from them; we cannot wonder at the ill success the Petition met with in that assembly.

But, my Lord, notwithstanding these objections, to which it was exposed,  
and

and which might very reasonably determine the House of Commons to reject it; it must yet be confessed, that the case of Subscriptions, as they now stand by law, is far from being unexceptionable, and is certainly capable of great amendment. It is acknowledged on all hands, that the Articles were compiled, when Learning in general, and Religious Learning in particular, was by no means in so improved a state, as it is at present: that they had immediate respect to the controversies of those times, which then employed the attention, and engaged the passions of men; but which have now for the most part long slept, much certainly to the peace of mankind, and to the advancement of true and practical Christianity: and that they are branched out into a number of particulars too minute for Terms of Communion, a subject then less perfectly understood than it is at present, having been since that period many times fully and ably discussed. It must also be confessed, that if Subscriptions  
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to the Articles and Liturgy be really required in the most rigorous sense, that the words will bear; this carries with it such a strictness of assent to a set of Propositions, some of much difficulty and great obscurity, as, from the very nature of the human mind, a number of men cannot truly give, and which therefore it is unfit to require.

The difficulties, which attend the alteration of Established Forms, are so obvious; the dissensions, which may possibly at any time be produced by it, so great; that it is no wonder, if even good Statesmen and honest Divines, who wish well to their country, and have the purity of Religion at heart, should shrink at undertaking so delicate a business; and chuse rather to submit to some present inconveniences, than to run the risk of incurring others, which may appear to them more dangerous. But this caution may certainly be carried too far; and it is the business of true political Wisdom not to rest satisfied at all adventures with things as they are; but  
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to weigh the cases with impartiality, and to take a decisive part on that side, where the good preponderates.

Human knowledge and opinions, whether applied to religious or other subjects, are continually in a fluctuating state; what suits them well at one period will be found inapplicable at another. It is certain, that in this country, within the two last centuries, the greatest improvements have been made in religious knowledge; improvements, not wholly to the discredit of our Church-establishment, since most of them have been derived from the members of it: and therefore with all respect and gratitude to our ancestors, who went so far in freeing us from ignorance and superstition, it cannot be doubted, that their work is now capable of much amendment. Ages, like individuals, have their particular prejudices and infirmities: that, which seemed to our forefathers of the last importance, is perhaps treated by us with an utter indifference; and those things, which one party held in  
veneration,



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veneration, and another in abhorrence, are now looked upon with disregard by both. It is giving up the advantages of gradual and great improvements in religious knowledge, if we render all the establishments of our ancestors perpetual; which considering their age and circumstances might be as perfect as every candid inquirer would expect from them: but yet not such as to make further amendment improper and unnecessary. Where indeed is this the case with any human institutions? And what would become of Civil Governments; if they were not refitted and readjusted, in order to suit the new and unforeseen circumstances, that are continually arising?

Alterations in Church-establishments grow in process of time as necessary as in Civil Governments; but should be conducted in each with caution and reserve, complying only with the necessity, and not departing wantonly from Forms, which men from habit have long looked on with attachment and veneration. Many and considerable amendments might  
perhaps



perhaps be introduced into our Church, and little appearance of change be produced by them. The things, which are generally thought exceptionable, are few in number; and might be removed or palliated with such moderation, as to satisfy reasonable and serious men, and at the same time not to shock too much the prejudices of the Vulgar; of those, I mean, who are not so in rank only, but who think and reason like the Vulgar. But notwithstanding every thing that may be urged for the propriety, even for the necessity, of such alterations in Established Forms from time to time; yet every person at all acquainted with public transactions will own, how much at all times the passions, prejudices, and political interests of men mix themselves with religious subjects, and render what is in itself, and abstractedly considered, the most desirable, in practice unfit and even impossible.

Beside the numerous objections, that present themselves, to any considerable  
C change

change in our religious system, there is one, which, if it were well-founded, would preclude all hope of our obtaining even the least: an alteration in the Constitution of our Church, or in the Liturgy, it has been said, would dissolve, or at least endanger, the Union of the Two Kingdoms; an objection, which would not have deserved notice, had it not dropped from the pen of Sir William Blackstone\*, who has himself since in some degree retracted it; that excellent writer will excuse us in supposing a minute portion of alloy amidst such a mass of most valuable materials.

‘ The statute 5 Ann. c. 8. which ratifies and confirms the Articles of the  
 ‘ Union, recites also two Acts of Parliament; the one of Scotland, whereby the Church of Scotland and also  
 ‘ the four Universities of that kingdom  
 ‘ are established for ever; the other of  
 ‘ England, 5 Ann. c. 6. whereby the  
 ‘ Acts of Uniformity, 13 Eliz. and 13

\* Introd. to Comm. Sect. 4.

‘ Car. II. and all other Acts then in  
 ‘ force for the preservation of the  
 ‘ Church of England are declared per-  
 ‘ petual; and it is enacted, that these  
 ‘ two Acts shall for ever be observed  
 ‘ as fundamental and essential Articles  
 ‘ of the Union.’

Now the necessity of observing these Articles for the preservation of the Union may be considered in two distinct lights: either *according to strict law*; or *equitably, according to the intention of the contracting parties*.

Under the first view, it must be observed, that to bind the Sovereignty of any state, wherever that Sovereignty resides, is an absurdity in politics: the Sovereignty, from the nature of all Government, must in every nation be absolute. The respective interests of England and Scotland were supposed properly taken care of by the share, which each had in the new united Legislature; and when this Legislature was once formed, it is as vain to imagine they had not *legal power* to repeal

any foregoing Law, even the Act of Union itself; as to imagine, that the English and Scotch Parliament, while they continued separate, could not repeal any former Law of their respective predecessors. Declare ever so studiously certain Laws perpetual and irrevocable; yet still there must reside in the state a power, which shall prevent their being really such, and render all these provisions ineffectual: ‘cum Lex abrogatur, illud ipsum abrogatur, quo non eam abrogari oporteat.\*’ I do not here speak of what is expedient, proper, or safe to be done in such a case; but only what the Legislature of the United Kingdoms may *legally* do.

If we consider the case *equitably, according to the intention of the contracting*

\* Scis enim Clodium sanxisse, ut vix, aut omnino non, posset per Senatum nec per Populum infirmari sua Lex. Sed vides, nunquam esse observatas sanctiones earum legum, quæ abrogarentur. Nam si id esset, nulla fere abrogari posset; neque enim ulla est, quæ non ipsa se sepiat difficultate abrogationis. Sed cum Lex abrogatur, illud ipsum abrogatur, quo non eam abrogari oporteat. Cic. Ep. ad Att. III. 23.

*parties*, all will agree, that in point of prudence and justice the stipulated conditions of such a contract should be *bona fide* observed. What was the intention of the parties in the present instance? When the two nations united their civil government, and had at the same time different religious establishments, it was very natural for them to guard, if possible, against the incroachments of each other in this respect; and especially for the church of the weaker nation to provide for her own security against that of the stronger: but no body can conceive, that it was then designed to preclude each separate Church from making alterations within itself, with which the other was not affected. Were the Church of England by its weight in the Legislature to endeavour to overturn the Ecclesiastical Establishment of Scotland, and to substitute her own in its place, I would then readily agree, that in *an equitable*, not in a *strictly legal sense*, the Union was dissolved; and would condemn any Government,



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vernment, that had so little wisdom and probity, as to be guilty of so notorious a breach of faith. But to apply this to any internal regulations of the Church of England, at the desire and suggestion of her own members, is applying it to a case, which the contracting parties at the Union had certainly not in view.

Thus unsupported is this objection either by the strict legal principles of all government, or by that good faith, which requires, that the conditions of all contracts should be religiously observed according to the intention of the contracting parties. The other objections of prudence and expedience against making considerable alterations in our Articles and Liturgy, if such were to be wished, may perhaps be weighty; even to make small ones may be attended with inconveniences, which may render both our Civil and Ecclesiastical Governors disinclined to it; and whatever may be my own opinion, I will not presume



presume to say, that their caution may not be proper and well founded.

But there still remains, my Lord, another particular of this subject, which, joined with judicious corrections of those things to which we subscribe, would answer our most sanguine wishes; and, even without such corrections, would smoothe many difficulties, and remove many objections: that is, the relaxing of the Terms, in which Subscriptions are required to be made; which, if understood in the most rigorous sense, carry with them (as I said before) such a strictness of Assent to a System of Propositions, some of much difficulty and obscurity, as from the very nature of the human mind a number of men, cannot truly give, and which therefore it is unfit to require.

Those persons must be very ignorant of our nature, who can suppose, that whole bodies of men can really agree in such a System of Propositions to the exact measure of a metaphysical distinction; or that they can find every part of any human

man Composition for the purposes of public worship just such, as they would themselves have made it : but they may notwithstanding this approve the essential parts of such a system and composition, and allow the whole as much merit and as much truth, as from the imperfection of human things there is ever reason to expect. Perfect Unanimity in such subjects is a thing in fact unattainable ; and therefore a certain Latitude of interpretation has been, as I conceive, claimed to themselves by the greater part of those who subscribe, from the reason and the necessity of the thing itself ; from great and respectable, I had almost said, legal authorities ; and from the prevailing sense and practice of the present Church.

A strict assent of the understanding to a proposition offered to it, means, that the terms of such a proposition are perfectly understood ; that the several previous steps, by which as a conclusion it is formed, be had in view ; and that the dependence and connection of all these

these be perceived in such a manner, that the proposed conclusion cannot but result from it. Yet who will say, that this can be done in a number of theological speculative propositions, by every individual, in such a body of men as the Clergy of England? Many must want both abilities and inclination to go through this task : and the most able and the most willing will often find it impossible to go hand in hand with their guide, and not to depart a step from him; considering that variety of lights, in which the same subject appears to different minds, especially to those which are the most vigorous and inquisitive. This variety is and ever will be found on all subjects : and if the difficulty and obscurity of some subjects which concern Religion; if the imperfection of human faculties, when applied to them, be considered; it will appear, that in these above all others perfect unanimity can never be attained. Those, who take an opinion delivered to them, as they find it, and because it is delivered, do not

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*assent*

*assent* to such an opinion in the strictest sense; because they have it not: they have not their minds furnished with those previous requisites, without which, properly speaking, we cannot in any case acknowledge any proposition, which is not self-evident, to be true. They may *acquiesce* in such opinions, but they cannot thus *assent* to them. So impracticable and unfit for popular use is any scheme of perfect unanimity, unless it be restrained to the plainest and most uncontroverted principles.

Neither are authorities wanting, which encourage and justify a Latitude of interpretation with respect to the things subscribed to, which softens, and in some degree removes, these difficulties. To assent to the propositions contained in any composition in the strictest sense seems to be adopting those opinions, which the authors of that composition themselves had and designed to express. But it must be remembered, that the Compilers of our Articles purposely left many things open, in order to comprehend to a certain degree men of different

different sentiments; that, where their words are capable of different meanings, it may be by no means easy always to determine, which in this view is the true one; and that, it being a public form proposed by the legislature, no body has a right by any private interpretation to restrain the sense of it; but that it must be left to stand on its own bottom, and be received by the individuals, whose subscriptions are required to it, according to their best judgement and conscience.

In order therefore to encourage subscriptions on this footing, to the Articles was prefixed a Royal Declaration; in which among other things it is said, ' that in the curious points, in which ' the differences of that time lay, men ' of all sorts took the Articles of the ' Church of England to be for them; ' that therefore (it proceeds) We will ' that all further curious search be laid ' aside, and these disputes shut up in ' God's promises, as they be generally ' set forth to us in the holy Scriptures,



“ and the general meaning of the Ar-  
“ ticles of the Church of England ac-  
“ cording to them; and that no man  
“ shall hereafter either print or preach  
“ to draw the Article aside any way,  
“ but shall submit to it in the plain  
“ and full meaning thereof; and shall  
“ not put his own sense or comment to  
“ be the meaning of the Articles, but  
“ shall take it in the literal and gram-  
“ matical sense.” This method of con-  
sidering Subscription was indeed adopt-  
ed, as it were by common consent, soon  
after the Articles themselves were com-  
piled; and as the opinions of the age  
changed, certain passages of them,  
which were capable of such interpreta-  
tion, were interpreted accordingly; as  
is well known (to mention no other  
instance) in *the descent of Christ into  
Hell*. The first men in the Church,  
some of whom were the greatest advo-  
cates for Church-authority and the Uni-  
formity of Public Worship, authorized  
this by their judgement and example;  
as was especially the case of Archbishop  
Laud,



Laud, the professed patron of opinions, which were the subjects of violent controversy at that time, and directly contrary, as it is supposed, to those of the first Compilers of our \* Articles. And nearer our own times, when a

\* In this account of Subscription, it is first supposed, ' that the Articles are capable of a sense agreeable ' to the Holy Scriptures ; (which I hope is no ill complement to them) and then, and not till then, it is ' supposed, they may be subscribed. And that this is ' not highly reasonable amongst Protestants, and particularly in the Church of England ; or that this has ' been ever contradicted or censured, by any Judgement ' of the Church, I leave him [the Bishop of Oxford] to ' prove. But I wish he would remember, what was ' the case of Bishop Bull, with relation to that sense, in ' which he understood some of our Doctrinal Articles, ' wholly different from the once generally received sense ' of them. I wish, he would consider, what an alteration of the sense, in which they had used to be understood, was brought in, and almost universally settled ' by Archbishop Laud himself ; and many other things, ' before he again censures the rule of subscribing words, ' capable of a sense agreeable to scripture, in that sense ' in which we think them so ; or before he again treats ' the Articles in the manner he has here done, and makes ' such a burden of Subscription, as neither he himself ' nor his fathers have been able to bear.'

HODLY against POTTER.

revival

revifal of our Public Forms had failed of fuccefs in 1689, Bifhop Burnet did the beft and only thing then to be done; namely, to lay open as much as poffible thofe Articles, which themfelves could not be altered; an undertaking that was fuggelted, examined, and approved, by the great men of the Church at that time, fuch men as the Church will ever efteem it an honour to her to have called her Members†.

It feems to me doing but an ill office to our Public Eftablifhment, and to our Clergy who act under it, to endeavour to represent this liberty fo juft and reasonable in itfelf, I may fay even neceffary, as unlawful; by arguing againft *the legal*

† He was moved to undertake this work by Archbishop Tillotfon, who revifed and approved it. ‘The work was afterwards perufed and approved by the Archbifhops Tennifon and Sharp, and by the Bifhops Stillingfleet, Patrick, Lloyd, Hall, and Williams. The laft of thefe ftrongly recommended confidering them only as Articles of *Peace*, in which men were bound to acquiefce without contradiction; not as Articles of *Faith*, which they were obliged to believe.’ Life of BURNET, by THOMAS BURNET, Efq;

See alfo Preface to the Exposition.

*authority* of a Royal Declaration, and treating Bishop Burnet's casuistry as fraudulent and jesuitical. The latter we have seen was consonant to the most respectable opinions of his own age and the preceding; and as to the former, it is readily agreed, that it was not an act of the proper legislative authority of this kingdom, the Parliament; but such are also some other things, which yet from *us* command obedience. When the Supremacy of the Church was reclaimed by the Crown, that power, which had before been quite distinct from the Civil Constitution and independent on it, was not immediately, perhaps may not be still, so united with it, as to make one entire fabric, consistent in all its parts. The King was supposed on this account to have an authority over the Church more immediate, and independent in some degree of the other states of the kingdom. It was by this power, \*that the

\* See King James's Ratification. " We do  
" not only by our said Prerogative Royal and Su-  
" preme Authority in Causes Ecclesiastical ratifie, con-  
" firm,

the Canons of 1603 were promulged, and obedience required to them; which obedience has ever been understood to be due, and has in fact been paid by the Clergy; though a great Lawyer\* has determined from the Bench, that they do not *proprio vigore* bind the Laity. And in the form prescribed by one of these very

“ firm, and establish by these our Letters Patents the said  
 “ Canons,—but do likewise propound, publish, and  
 “ streightly enjoyn and command, by our said Authority  
 “ and by these our Letters Patents, the same to be dili-  
 “ gently observed, executed, and equally kept by all  
 “ our loving Subjects, &c.” *The King’s power is the*  
*enacting power; the Convocation are only Counsellors and*  
*Advisers, “ to confer, treat, debate, consider, consult,*  
*“ and agree of and upon.” In this Ratification men-*  
*tion is made of the King’s granting his Assent to these*  
*Canons according to the 25 Henry VIII. c. 19. on which*  
*it should be carefully observed, that this Statute did not*  
*add any new or particular power to the King’s Suprema-*  
*cy; but only took away from the Clergy the power, which*  
*they might have claimed before, of making Canons with-*  
*out his consent. Had this Statute given particular powers*  
*to the King of enacting Canons with the concurrence of*  
*the Convocation, the consequence would be, that the Laity,*  
*as well as the Clergy, would be bound by them, con-*  
*trary to Lord Hardwicke’s determination.*

\* The late Lord Hardwicke. Burn’s Preface to Ecclesiastical Law.

Canons,

Canons, which by the by is the strictest form, is subscription at this day required from every person, who is ordained, or instituted to any Ecclesiastical Living, to the King's Supremacy, to the Liturgy, and to the thirty-nine Articles. Shall an act of the King alone† be valid to enforce a Body of Ecclesiastical Laws; to prescribe the very terms of Subscription; and shall it be invalid to authorise a reasonable liberty in the interpretation of the things subscribed to? Shall we admit the Authority, which lays us under,

† Canon 2. " Impugners of the King's Supremacy " censured. Whosoever shall hereafter affirm, that the " King's Majesty hath not the same authority in Causes " Ecclesiastical, that the godly Kings had among the " Jews, and Christian Emperors in the Primitive Church, " or impeach in any part his Regal Supremacy in the " said Causes restored to the Crown, and by the Laws " of this Realm therein established, let him be excom- " municated." In this Canon there is no mention made of the Convocation, as necessary to concur with the King, in order to give his Acts, as Supreme Head of the Church, *Legal Authority*; and his power is declared to be the same in this respect with that of Christian (and, as I presume, Roman) Emperors, which was *absolute*.

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at least aggravates, the grievance\*; and studiously reject the same, when it affords us some relief from it?—If an Ecclesiastical Establishment is to be represented in the worst light, or at all events to be got rid of; it certainly strengthens that cause to reject every thing, that tends to lessen its imperfections and faults, while it subsists.

Such a Latitude of interpretation is also supported by the prevailing sense and practice of the present Church; that Church, which does not consist in the walls and roofs of our places of worship,

\* If the Royal Declaration has any defect, it seems to be in point of *form*, not being authenticated by any proper *signatures of Office*; which made me express myself, ‘that a Latitude of interpreting the Articles had been claimed, *I had almost said*, on legal authority.’ This is an exception, which I should expect to hear for the sake of stopping proceedings in a Court of Law, and would admit, were it to get rid of a palpable grievance; but which has not place with equal propriety in more liberal reasoning, and in order to deprive ourselves of a most reasonable benefit. And after all, I believe it is as *formal* as the *Rescript* of a Roman Emperor; which character King James chuses to take as his model.

which



which may continue the same, but in the minds of the worshippers, which in some degree will be changing; for the security of which Subscriptions were required, that those forms of worship might be used and those religious doctrines taught, in which these worshippers were agreed. It is understood on all hands, that both the Clergy and the Laity have departed in many instances from the opinions of our first Reformers; and it is presumed, that they have in such instances departed rightly, from the great improvement of religious knowledge, and the superior advantages, which we in consequence of it have enjoyed. Shall we be called back again to preach doctrines, which are almost forgotten, and at which every congregation, who are competent judges of them, would be surprised and disgusted? Would this be the best and most edifying way of performing our obligations to that Church, in which we act as Ministers, and of fulfilling with good faith the promises we made, when we undertook the

office? I apprehend no such congregation would wish their Pastor to acquit himself of his duty in such a manner; or accuse him of prevarication and fraud for accommodating old expressions, where they can be accommodated, to what is acknowledged on all hands more conformable to scripture and good sense. And whether a promise be well performed, is always best determined by the party, for whose sake it was made: the satisfaction of that party is the true criterion of it; and he will deserve little thanks, who shall perform a promise in such a manner, as the persons interested in it would by no means chuse, when he might have made the performance of it agreeable and beneficial to them.

Such a latitude of interpretation, as this, which I have been describing, has been, I presume, claimed on these grounds by most persons, who subscribe. But in general, my Lord, every person of candor and judgement will allow, that the imperfection of all human institutions

tions renders it impossible for men to fulfil the obligations they engage in, if these are interpreted in their most rigorous sense, and in their utmost extent. The circumstances of this world are continually changing, and human laws in order to be perfectly applicable to them should be continually changing likewise. But this cannot in the nature of things be done. The change must become considerable and the necessity apparent, before public institutions are unsettled; and doing this even then is perhaps attended with numerous and unforeseen inconveniences: in the mean time the discretion of individuals must in some measure supply the defects of public authority, and render the strict letter of law a little more flexible, and fit to answer the purposes, for which it was designed. If this should be thought inconsistent with integrity, the business of the world must be at a stand; scarce any branch of it could be undertaken, because the conditions annexed to it would be found impossible. What Governor  
or

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or Fellow of a College can *strictly, in all points*, keep his Oath of observing Statutes, compiled perhaps three or four hundred years ago, and unalterable, which it is now absolutely impossible, morally speaking, to reduce to practice? Shall the integrity of such persons be impeached, if, after observing the letter of these Statutes as far as they can, when this can be done no longer, they follow the spirit of them; and fulfil in the best manner the intentions of their Benefactors by accommodating his rules to present times and circumstances? Do we condemn a Jury, who, at least with the connivance, probably the encouragement, of a Court of Justice, ‘ by a kind of pious perjury (according to the expression of Sir William Blackstone\*) bring in larceny to be under the value of 12d. when it is really of much greater value,’ in order to elude the cruelty of an old law, aggravated now by the change of value in money?

\* Comm. Book iv. chap. 17.

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It is undoubtedly much to be wished, that such Laws and such Statutes were repealed; but while they are not so, no reasonable man will condemn others for departing in such instances from the strict letter of them. The imperfection of all human institutions makes such a departure sometimes necessary and even commendable.

But, my Lord, notwithstanding the liberty, which I have here supposed reasonably may, I had almost said must, be taken in interpreting both the things subscribed to, and the terms of our Subscription; yet it must be confessed, that, allowing all this, many, who would be ornaments to the Church, and exemplary in discharging their office in it, may either comply with reluctance, or be totally excluded; many others will not allow the liberty I have here contended for, and by an inflexible, perhaps a less judicious, sort of integrity will refuse to admit even the least and most reasonable qualification of the  
terms



terms proposed to them. It must be remembered also, that the careless, the ignorant, the unprincipled, make in these cases no difficulties: these arise in the minds of the worthy, the thoughtful, the lovers of truth; of those, whose qualities would best enable them to discharge with superior industry and scrupulous attention the ministerial office. Is it not worth while to remove the scruples, even if they should be thought unnecessary, of such men; to invite them, by opening the door a little wider for their admittance, and making them sit easier when they are come in; to free them from an uneasiness and disquiet of mind, which can arise only from their integrity? And would not *all* wish to have Subscriptions put on such a footing, as to require no reasonings to defend the propriety of them; that it should appear at first sight, that there is nothing in them, which could create in a rational and sincere Christian hesitation and offence? Subterfuges and reserves are always painful to honest  
and

and ingenuous minds; and when men have no sinister end in view, but mean only to discharge the office they undertake faithfully, they submit with reluctance to whatever has the appearance of these; to whatever may give others the most distant suspicion of their honour and integrity.

It is usually said on this subject, that no body compells men to subscribe; that it is an act of their own, from which, if they cannot do it innocently, it is their duty to abstain. It is true, it is their duty to abstain; but the temptations to comply are often such, as ought not, if it could be avoided, to be proposed to them. The subsistence of a man himself, and of those dependent on him, certainly does not lay him under a physical necessity, not even under a moral one; but it is a motive so cogent, that we well know human nature can hardly resist its importunity. Laws do not suppose men virtuous; if they were so, there would be comparatively little occasion for them. They are on the contra-

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ry formed on the supposition of men's propensity to transgress; and the prevention of these transgressions is their great object: they punish, not to revenge themselves on the unhappy criminal, but to deter others from becoming such; and when this object can be attained by withdrawing the motives and occasions of crimes, it is so much more desirable, as the disease is prevented, instead of being cured by a painful and sanguinary remedy. Wise states therefore employ both these means in securing to themselves obedience; they set before men the terror of punishment, and withdraw from them at the same time the motives, which will make them incur it. For there are certain situations, which overcome all sense of duty and fear of punishment: when the wretch, who is perishing with hunger, snatches by violence the first morsel that comes within his reach, none can wonder at the deed, or would wish to punish it. It is the business of laws to provide, if possible, that men be never placed in such situations;

tions ; where in proportion as the crime is inevitable, the punishment would be unjust. In these cases, though the offender may not be innocent, yet the legislature is certainly blamable ; it is not adapted to those very infirmities of our nature, which it was designed to correct ; and contrary to every principle of humanity and sound policy is forced to punish, what it might have itself prevented. There is a signal instance to this purpose of the wisdom and humanity of our own Laws : ‘ \* it was enacted, 13 Car. II. chap. 12. that it should not be lawful for any Bishop or Ecclesiastical Judge to tender or administer to any person whatsoever the Oath, usually called the Oath *ex officio*, whereby he may be compelled to confess, accuse or purge himself of any criminal matter or thing, whereby he might be liable to any censure or punishment.’ Our Legislature rightly judged, that it was unnatural to expect men

\* Blackstone, Comm. Book 111. chap. 7.

to accuse themselves, to prefer duty to self-preservation; that the fear of punishment and the hopes of impunity were motives too strong for human nature to resist; and that therefore such oaths would only tend to multiply perjury without promoting justice. In whatever degree a law lays before men unnecessarily temptations of transgressing their duty, so far it is defective in wisdom and humanity: and to apply this to the present case, if the Subscriptions required descend to more particulars, and are more rigorous, than the security of an Established Church demands, and thereby men are tempted to comply with them against their conscience; we may not excuse the persons who thus comply, but we cannot approve the law by which they are imposed.

To remove therefore conditions, which are in themselves unnecessary; which may induce men to do what they in their own minds disapprove; and which may distress others, who by their integrity are perhaps some of the most



most valuable members of society, and the fittest ministers in a sacred office; is certainly an object well worthy the wisdom and humanity of a legislature, which regards the rights and happiness of all its members with an attention and tenderness unknown in any other age or in any other country. The most perfect way of doing this, abstractedly considered the most desirable, is undoubtedly to correct our Public Forms, to which Subscription is required, till they come up to the full standard of the knowledge and opinions of the present Church. And were a new Church now to be erected, we should certainly endeavour to form it according to what appeared to us the most perfect model; but in a venerable structure, which has long stood, whose parts are closely connected with each other, and with the great fabric of our Civil Constitution, it may seem not so easy or so safe to make alterations at pleasure: all will allow, that they should be made with caution, not to comply with

with the restless spirit of novelty, but with the mature counsel of improved reason and superior knowledge; and the inconveniences, resulting from alterations so made, may perhaps be found in the event much less, than at a distance they were apprehended to be. A design of this sort, thus conducted, will stand vindicated with the world by its own reasonableness and necessity; and the same improvement of religious knowledge, and moderation of religious zeal, which induces the Governors of a nation and the Heads of a Church to engage in it, pervades also in a great degree the whole bulk of the people, and will secure to it from them such a reception as it deserves. But if it still be thought unadvisable to remove at once every thing which may seem exceptionable, even though it be done with reserve and caution; there is, in the last resource, when nothing better can be obtained, a remedy the least perfect of any, of all perhaps the most practicable; namely, so far to relax the Terms of Subscription

cription as to require a \**General Approbation* only of Public Forms, and a *Promise* to comply with them; which reasonable men could not hesitate in giving, and which, considering the imperfection of all human things, it is sufficient to demand. Subscriptions indeed, as they now stand, have been considered,

\* Such an approbation as is expressed in the following memorable declaration of Mr. Chillingworth :

" For the Church of England I am persuaded, that  
 " the constant doctrine of it is so pure and orthodox,  
 " that whosoever believes it, and lives according to it,  
 " undoubtedly he shall be saved ; and that there is no  
 " error in it, which may necessitate or warrant any man  
 " to disturb the peace, or renounce the communion of  
 " it. This in my opinion is *all* intended by Subscrip-  
 " tion." " As within a few months he actually did  
 " subscribe, we have reason to believe he did it in the  
 " sense of *peace* or *union*, not of *belief* or *assent*; espec-  
 " ally if we consider that this was also the sense of Arch-  
 " bishop Laud, Dr. Sheldon, Archbishop Sancroft, and  
 " several other Divines of the Church of England."  
 Biog. Brit. CHILLINGWORTH, Note K.

Among these Divines may be reckoned Stillingfleet; see *Rational Account of the Grounds of the Prot. Rel.* p. 54. and Williams; see a former Note. However we may wish, that this notion were true; yet it certainly is not reconcilable with the terms, in which Subscriptions are required to be made.

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by many eminent men of the Church, as amounting to no more than this; and have been complied with accordingly. And even if many of the particulars now subscribed to were corrected; yet if they were not rendered much more simple and less numerous, it would still surely be right, for the sake of scrupulous minds, to give a more explicit Latitude to the Assent required to them.

I am aware, that it will be objected to this; that to let Ministers use Forms in the Public Service of the Church, parts of which they may be supposed to disapprove or to think untrue, is to make them dissemble with men, and act falsely in the very worship of God, where falsehood ought least to find admittance. But *the great and essential parts* of their duty we suppose them to approve; there are many particulars which are mere matters of convenience and discretion; and other controverted ones of little consequence to practical Christianity; in which, whatever you do, men will not agree,

agree, and therefore surely it is the least evil not to make them counterfeit agreement.

Why also need it be supposed, that a Minister must give that *express* and *particular* assent to *all* the forms of his Church, which is not expected from men in the other parts of Society. If indeed the forms of a Church were prescribed, just as we use them, by those inspired Writers, through whom our Religion is transmitted to us; not only every Minister of the Gospel, but every true Christian, ought to give the fullest assent to them, as being the immediate institutions of God, and under that character having the fullest claim to it. But as the visible Church, such as it subsists in the world, is formed, is administered, by men, and must partake of their imperfections; no rational inquirer conversant in human nature will either expect himself, that it should be exempt from these, or that others should attribute to it a degree of perfection, which in fact it cannot possess. The divine

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origin of our Religion makes men apt so to dwell on the excellencies of the Author of it, as to forget the infirmities of those, for whose use it was designed ; and when they know the principles and substance of it to have been derived from God, they do not enough distinguish the external form and administration, which is certainly the work of Man. They are not so unreasonable in their expectations of perfection in other things : the best Civil Governments the greatest admirers of them will allow to have their defects ; and a Magistrate, before he undertakes an office in such governments, is never expected to declare, that he thinks no fault can be found with any part of them ; but only promises to execute faithfully the Laws, as he finds them. It will be said, that Religion is a sacred thing ; that if the Form of a Church-establishment and a Public Service be not directly given by God, yet he has given us principles, from whence they are deduced. And has he not given us too the principles of  
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Civil Government? Are the protection of men's lives, the security of their property, the punishment of their crimes, principles imparted less expressly or less plainly by God to us, both by Natural and Revealed Religion, than the truths of Christianity are by the latter only? Yet a Magistrate of integrity does not withdraw himself from the service of the community, because he disapproves some of the laws, which he is obliged to execute; because the state which he serves is not a Perfect Commonwealth. What Judge is there on our Bench of justice, who would not wish many parts of our Jurisprudence altered; obsolete Laws repealed, severe ones mitigated, and the proceedings in Courts of Judicature in many instances corrected? and yet he may think the English Constitution 'with all its imperfections on its head' the best and happiest, that ever yet subsisted. Why also may not a Minister of the Church of England be permitted to think it, 'take it for all in all', the purest Established Mode of Christianity; and be yet sensible,

that it has its defects, that parts of it are still capable of much improvement? I will venture to say, that a Minister of the Gospel need not affect a character of more consummate integrity, than is expected from a Judge in that country, where justice is administered with a degree of purity, which, if History be examined, will be found in other ages and in other nations without example. And yet it may be conceived, that the conscience of a good man would be almost as much revolted by being forced to pass sentence of death on a fellow-creature, for cutting down a Cherry-tree in an Orchard\*, for being seen one month in the company of Gipsies†, or for a theft a little above the value of 12d‡; as to be ordered to kneel, rather than stand, during the celebration of a religious rite; or to read an explanation not quite consonant to his own notions of an Article of Faith, confessedly my-

\* Stat. 9 Geor. I. c. 22. 31 Geor. II. c. 42.

† Stat. 5 Eliz. c. 20.

‡ 1 Hal. P. C. 12. 3 Inst. 53.

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terious and to our faculties incomprehensible.

This supposed necessity of the strictest and most extensive approbation in the Minister, who officiates, and the People who communicate with a Church, has indeed been carried to a most unreasonable extreme. A Puritan of the last century could not with a good conscience join in offering his prayers to God with those, who had Bishops belonging to them, and whose Ministers when they officiated wore a Surplice. Many of the Reformed were inspired with such an abhorrence of the Corruptions of Popery, from which they were just delivered, that they thought they could not be enough afraid even of the shadow of them: every thing the most indifferent was made matter of conscience; and sects were subdivided, in proportion to the variety of men's opinions, and the pious obstinacy with which they were maintained. These follies have been gradually declining; men have grown to understand better the spirit of Christianity;

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and Toleration, that reasonable and salutary principle, founded on that spirit, in the knowledge of our common infirmities, and the necessity of mutual forbearance, has won over thinking and moderate men to its side in private, and in public has been adopted by the State. It is this principle, which, while it induces us to grant liberty to other denominations of Christians in their religious opinions and forms, should also teach us to look on our own with candour and allowance; and not to be over studious in pointing out, or scrupulous in taking offence at, a degree of imperfection, from which it is probable no national Church will ever be exempt.

*A General Approbation* of our Doctrines and Establishment, either corrected, or as they now stand, with a *Promise* to comply with the Forms prescribed in it, would, I conceive, continue to our Church the security it has hitherto enjoyed; because it would be little more, than giving a Public Sanction to what is  
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already anticipated by the Private Opinion of the generality of Subscribers; and because it would be in itself reasonable: such an approbation and promise even the most scrupulous men might give without hesitation and with sincerity. For if Laws be unreasonable, if they contradict the common principles of Nature and Good Sense; they will defeat themselves, and the effects proposed by them will never be accomplished. If for the sake of applying a powerful remedy to a present evil, they punish a crime with a severity, that is disproportioned to it; the natural consequence is, that men will rather shut their eyes against an offender, and let him escape with impunity, than inflict a punishment on him, which shocks their plainest notions of justice and humanity. If a man be compelled to accuse or exculpate himself on oath, in contradiction to our ruling principle of self-preservation; the consequence is, not that the original crime is discovered, but that perjury is added to it. And if such a

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*strict and particular assent* be required to any System of Religious Opinions, in *all* of which few persons can *perfectly, after due examination*, agree; an appearance of unanimity may indeed be produced by it, but it will be no more than an appearance, and instead of unanimity it will in fact only produce acquiescence and dissimulation. It is in vain to endeavour to regulate the conduct of men by measures, which are not adapted to the first and ruling principles of their nature.

I should not, my Lord, have troubled you with this long discussion, had it not been for the sake of addressing myself to your Lordship and the whole Bench of English Prelates, as the only persons, who can with propriety and effect engage in a public consideration of this subject; whose station qualifies them, I should rather say calls on them, to take the lead in it. The late Petition was rejected by the House of Commons on reasonable grounds; beside the constant  
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and general objection to religious innovations, the tendency was exceptionable; the persons presenting it wanted the weight of a public station and character; and that branch of the Legislature, to which it was address, was perhaps not the most proper, from whence such a design should originate. With respect to the Bishops, on the contrary, every circumstance of their station makes us look up to them, as the proper and only persons to suggest and conduct any reasonable alterations in our Ecclesiastical Establishment. It is their duty, as Governors and Guardians of their Clergy, not only to protect them in their temporal rights, but also to consult their peace of mind, and their integrity; to exonerate the Clerical Profession from conditions, if there be any such, which may deter liberal, virtuous, and even scrupulous men from engaging in it. If it be reasonable, that any alterations should be made, they, it is to be presumed, are the best judges of what it is fit to ask, and also of the mode in which

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it can be obtained. Their rank, and the share they have in the Legislature, gives them weight with our Civil Government; which will not hastily discountenance any proposal of this sort, which comes from them; which will have confidence in their intentions, that they will attempt only what is moderate and beneficial; and without the cordial concurrence of which, it is in vain to expect, that any such undertaking can be attended with success.

It may be said perhaps, that alterations in any part of our Public Forms or Church Establishment should be digested not by the Bishops only, but also by the Convocation; before they can properly be proposed to the Legislature. But the Convocation has long slept, as a useless and even dangerous instrument in the conduct of our Ecclesiastical Government; to produce it might now create suspicion, and give offence. The world has seen so few good effects from having religious questions agitated in large  
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and popular assemblies, that I conceive the Clergy themselves, no less than others, would much rather commit such questions to the wise and impartial discussion of a Few, by their station and abilities best qualified for it, and abide by their decision ; than to run the risk of encountering that warmth of temper and want of judgement, which are so apt to break out in all large assemblies, and in which, I am sorry to say, Ecclesiastical Assemblies seem particularly to abound.

However excellent on the whole the Church of England may be, yet parts of it, my Lord, are certainly capable of amendment : it cannot be otherwise from the length of time it has subsisted in its present form, and the subsequent improvement of religious knowledge. It were to be wished, that it could be made as perfect, as the wisest of our Modern Divines could frame it ; but this is like wishing for a Platonic Common-



wealth, which a Speculatist in his study may delineate, but which a Practical Statesman will know cannot be had. It is a reasonable and, I trust, not a hopeless desire, that those blemishes, which are most observable, should be corrected; those parts, which have in general appeared most exceptionable, expunged. There may be difficulties in doing this; but men of generous minds should remember, that without them nothing excellent and laudable in this world is accomplished; that they are the price which we pay for merit: yet in the present instance they may easily be overrated. There is often a period, when it is more easy and more safe to alter public institutions than to retain them; and in political events to discern this period is no inconsiderable part of a Statesman's wisdom. It requires perhaps at first the effort of a philosophical mind to see the impropriety of institutions, protected by length of time and sanctified by prejudice;

dice; but the persuasion gradually diffuses itself throughout the minds of a whole people, and brings on that season of maturity, when a transition may be made almost imperceptibly, at least securely, from private opinion to public authority. Surely, my Lord, with respect to parts of our Church Establishment, there are strong indications of this season being now come: the opportunity of executing such a design is too inviting to be dismissed; and when executed, every sincere, moderate, and rational Christian will join with one voice in applauding it. But at all events, if our Church be confessedly not exempt from imperfections, let the Allegiance, which we profess to her, be indeed sufficient to ensure the obedience of her subjects; but at the same time be such, as to free even the most scrupulous of them in the judgement of themselves and others, from all suspicion of Flattery and Falshood.

For after all, every National Church, which is the Religion of Christ modified  
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and adapted by men for the use of a particular society, will have its defects; they are such as will always afford matter of disparagement to those, who look out for it, and are uncandid and ignorant enough to require that perfection in an Ecclesiastical Establishment, which was never yet found in any other human institution whatsoever. We most of us, I believe, value ourselves on the excellence of our English Government; if we know our own happiness, we can hardly value ourselves too much on it: but if certain unfavourable features of it were selected; if public Venality, the expences and delays of Legal Justice, an enormous Debt, and, the consequence of it, oppressive Taxes, were made the most of; I should not despair of seeing such a Caricature under able hands formed and exhibited of it, that, after having viewed it, we might for a little while be almost sorry to have been born Englishmen.

The real excellences of our Church, though they be not without alloy, are yet such, as must strongly recommend it  
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to those, who consider the events of the world and the transactions of men with candor and judgement. When she first broke loose from the Church of Rome, the separation, however violent, was effected perhaps with more wisdom and moderation, than in any other country, amidst the general defection from the standard of that great Corruptress of Christianity. From that period, in *the minds* of her members she has been making gradual and constant improvements; and though her *Legal Forms*, from the inflexible and stubborn nature of them, have not kept pace with these, yet her *Practice* has been as complete an example of Religious Moderation, as ever was exhibited in any country. Where is greater lenity shewn to those, who dissent from the Public Establishment? Where are there fewer remains left of the ancient rancour of religious differences? Toleration is fixed on the firm basis of Law; and the indulgent spirit of the times even dispenses with some of the express conditions, on which by that law it is granted.

granted\*. Religious inquiries are pursued with freedom and success. Our public Teaching is, for the most part, able and edifying; chiefly employed, as it ought to be, in enforcing plain and practical Religion, rather than in debating the obscure and controverted parts of it; nor cramped by the continual fear of Authority watching for every minute deviation from prescribed opinions. For, my Lord, to the honor of the Superiors of our Church be it spoken, it is well known, how rarely and how reluctantly they employ the coercive hand of power even on those, who seem studiously to put themselves in its way, and to court the merit of Persecution. Church-power, once so obnoxious to the State, and disposed to make inroachments on it, is now re-

\* Dissenting Ministers are required by the Act of Toleration to subscribe to the xxxix Articles, except the xxxiv<sup>th</sup>, xxxv<sup>th</sup>, and xxxvi<sup>th</sup>, and part of xx<sup>th</sup>, and xxvii<sup>th</sup>. But this Subscription is seldom or ever made.



tired within her own province, and there administers her affairs silently and inoffensively.

Such, my Lord, is the Church of England *in fact*; and that it is so, is principally owing to the wisdom and moderation of those men, who in the episcopal character have presided over it. It must be confessed, that, in respect of its Legal Establishment, it has not *in Theory* all these advantages; there remain in it traces of an age, in which the true spirit of Christianity was less well understood, and consequently mutual Toleration and Religious Liberty less favoured; and some of the Laws on this subject, which still have place in our Statute-book, can hardly be defended even by the ablest Advocate, though the prevailing moderation of the times has made them almost innocent by connivance and disuse. Indeed, my Lord, it is a work well worthy the attention of our Ecclesiastical Governors, to reconcile, at least to bring somewhat nearer together, *the Law* and *the Practice* of our Church;

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that

58 A LETTER, &c.

that while we feel ourselves happy in the one, we may not be reproached with having deserted the other: it is a work, in which, I trust, their judgement will concur, their inclination not be wanting, and which in their hands only promises success.

I am, my LORD,

with great Respect

your Lordship's

most obedient Servant.

